IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

GIRAFA.COM, INC., Plaintiff, v. AMAZON WEB SERVICES LLC, AMAZON.COM, INC., ALEXA INTERNET, INC., IAC SEARCH & MEDIA, INC., SNAP TECHNOLOGIES, INC., YAHOO!, INC., EXALEAD S.A., and EXALEAD, INC., Defendants.	CASE NO. 07-787 (SLR)

DECLARATION OF MICHAEL AGOSTINO IN OPPOSITION TO GIRAFA.COM'S MOTION FOR PRELIMINARY INJUNCTION

I, Michael Agostino, declare:

1. I am over the age of eighteen years old and am not a party to this action. I make this declaration of my own personal knowledge or on information and belief where so stated. If called as a witness, I could and would competently testify to the truth of the matters asserted herein.

2. I am the Chief Technology Officer ("CTO") for Snap Technologies Inc. ("Snap"). I have held the position of CTO since joining company in June of 2006. My regular job responsibilities include, and have included, guiding and setting the overall technology direction for the company. I also manage Snap's personnel responsible for product

development, quality assurance, and technical operations. I am familiar with the technology that Snap uses to provide its services.

3. I have been in the high technology industry for nearly 18 years with experience in all aspects of technology companies including R&D, product management, executive management, venture capital, and entrepreneurship. I graduated with honors from Cal Poly, San Luis Obispo with a Bachelor of Science degree in Computer Science. Prior to my employment with Snap, I was a group product manager for VERITAS Software, and a senior member of the venture capital investment team at Seattle-based Vulcan Capital. Previously to that, I led development of certain aspects of web search technology at Infoseek, and was founder of two technology companies that were successfully acquired. Earlier in my career, I held a number of product development positions with a variety of Silicon Valley high technology companies, including Xerox, Go / EO, Kaleida Labs, Infoseek and VERITAS.

4. I am submitting this declaration in opposition to Girafa.com's motion for preliminary injunction. Much of the information in this declaration is essentially the content of an extended discussion that I had with Snap's non-infringement expert, Dr. Robins, several weeks ago.

5. It is my understanding that Snap offers four services that have been asserted to infringe Girafa's patent in this case. The four services are: (1) Snap Classic Search; (2) Snap Shots Browser Plug-in; (3) Snap Shots for Publishers/Bloggers; and, (4) Snap Enhanced Search. A true and correct copy of a screen shot of each of these services are depicted in attached Exhibit A.

6. Snap Classic Search is a web search service that is very similar to Google or

Yahoo search. The user enters their query in a box and hits enter and Classic Search transmits the search results to the user. The search results do not contain any previews. At some later point in time after the results load, the user may choose to hover over a small icon. When the user hovers over the icon, a small window (technically a HTML DIV tag) called the Shot is created by JavaScript code running in the user's browser. The browser makes a request to Snap's servers and the Shot content is transmitted to the end user's browser. The Shot window contains links, logos and the preview image. The Shot window overlays the web page containing the search results. The Shot window in which the preview image is contained is independent from the main contents of the web page and, for example, can be dragged to other locations on the screen. The previews are currently shown in 2 resolutions of approximately 270x173 and 427x274.

7. Snap Shots browser plug-in ("Snap Add-On") is a browser extension which a user can download from Snap's site. The Snap Add-On enhances third-party web sites (e.g., Yahoo, Google) by providing similar functionality to Snap Classic Search while the user is using those third-party sites. If the Snap Add-On has been installed and the user enters a query on the third party web site and hits enter, the third party web site will transmit the search results to the user. The search results do not contain any previews. At some later point in time after the results load, the user may choose to hover over a small icon. When the user hovers over the icon, a small window (technically a HTML DIV tag) called the Shot is created by JavaScript code running in the user's browser. The browser makes a request to Snap's servers and the Shot content is transmitted to the end user's browser. The Shot window contains links, logos and the preview image. The Shot window overlays the web page

containing the search results. The Shot window in which the preview image is contained is independent from the main contents of the web page and, for example, can be dragged to other locations on the screen. The previews are currently shown in 2 resolutions of approximately 270x173 and 427x274.

8. Snap Shots for Publishers / Bloggers ("Snap Shots for Publishers") is a web service that allows publishers of web sites or bloggers to enhance their sites. Snap Shots for Publishers enhances web sites by providing previews and content to the users of a publisher's web site. To implement Snap Shots for Publishers the publisher places JavaScript code ("script tag") in the HTML code of their web site. When the page is loaded, the script tag may cause the browser to enhance links and other content of the web page. The links which are chosen to be enhanced is dependent on how the publisher has configured Snap Shots for Publishers. As part of the configuration, the publisher may also choose to place a small icon next to each link ("Snap Link Icon") that has been enhanced. When the user is interacting with a web page that has installed Snap Shots for Publishers, the user may choose to hover over enhanced links or the Snap Link Icon for those links. When the user hovers over the enhanced links or the Snap Link Icon for those links, a small window (technically a HTML DIV tag) called the Shot is created by JavaScript code running in the user's browser. The browser makes a request to Snap's servers and the Shot content is transmitted to the end user's browser. The Shot window contains links, logos, and the Shot content, which may be a preview image or other content. The Shot window overlays the web page containing the search results. The Shot window in which the content is contained is independent from the main contents of the web page and, for example, can be dragged to other locations on the

screen. The previews are currently shown in 2 resolutions of approximately 270x173 and 427x274.

9. Snap Enhanced Search is a web search service that offers large previews of search results. The user enters the query and hits enter or submit and Enhanced Search transmits the search results to the user. The search results page loads and the preview for the first result is shown. The user must then click the mouse or keyboard to trigger previews for search results. When the clicks the mouse or keyboard, the JavaScript code running in the user's browser makes a request to Snap's servers for the preview and the preview image is transmitted to the end user's browser. Previews are presented one-at-a-time to the user on the right hand side of the display next to the textual search results. The previews are currently captured in 3 different resolutions of approximately 760x570, 640x480, and 400x300.

10. Snap uses hundreds of computers to provide its services. These services are available through standard Internet host names. The services are provided by groups of physical servers called clusters. The physical servers in the cluster are interchangeable and perform the same role. All of the servers in a cluster run the same operating system. All of the servers in a cluster run the Apache web server.

11. All of the servers in the same cluster run the same Snap code.

12. The name shots.snap.com refers to one cluster.

13. Each server in the shots.snap.com cluster serves multiple data types including JavaScript, images, and HTML.

14. The names www.snap.com and i.snap.com refer to the same cluster.

15. Each server in the www.snap.com and i.snap.com cluster serves multiple data

types including JavaScript, images and HTML.

16. Both clusters use a common repository for previews.

17. All servers in both clusters run the same operating system and Apache web server.

18. The cluster for the name shots.snap.com serves JavaScript (code), images, and HTML. I reviewed a few hours of the Apache log files for April 28, 2008 that record the requests received by a particular Apache web server in this cluster. I did not review all servers, but I believe this server is representative and similarly configured to other web servers in this cluster. The percentage of requests during an hour were:

- JavaScript requests. The data type returned is JavaScript. These requests represent approximately 43% - 47% of all requests.
- Previews. The data type returned is image. These requests represent approximately 10% of all requests.
- Advertising tracking requests or custom logos. The data type returned is image or the address or the URL of another web page. These requests represent approximately 22% - 23% of all requests.
- Requests for Shot content. The data type returned is HTML and JavaScript. These requests represent approximately 7% - 8% of all requests.
- Requests for Shotsense. The data type returned is HTML. These requests represent approximately 4% - 6% of all requests.
- Requests for operational status. The data type returned is typically text. These requests represent approximately 2% - 3% of all requests.

- There were a small percentage of requests that I did not classify.

19. The cluster for the names www.snap.com and i.snap.com serves JavaScript (code), images, and HTML. I reviewed a few hours of the Apache log files for April 28, 2008 that record the requests received by the Apache web server. I did not review all servers, but I believe this server is representative and similarly configured to other web servers in this cluster. The percentage of requests during an hour were:

- Search Queries. The data type returned is JavaScript and HTML These requests represent approximately 14% - 23% of all requests.
- About pages. The data type returned is JavaScript and HTML. These requests represent approximately 7% to 10% of all requests.
- JavaScript requests. The data type returned is JavaScript. These requests represent approximately 2% - 3% of all requests.
- Previews, images & logos. The data type returned is image. These requests represent approximately 3% - 4% of all requests.
- Clicks. The data type returned is typically the URL of another web page, typically a search result page. These requests represent approximately 2% - 4% of all requests.
- Other Requests. These requests represent approximately 13% - 17% of all requests.
- Requests for operational status. The data type returned is typically text. These requests represent approximately 16% - 24% of all requests.

- There were a small percentage of requests that I did not classify.

20. With respect to search results shown in the Classic Search and Enhanced Search services, Snap sends queries for both Classic Search and Enhanced Search to Yahoo. Snap receives search results for the queries from Overture Services, Inc. dba Yahoo Search Marketing. The search results are similar for both Classic and Enhanced Search. For each search result, the Yahoo feed provides information such as the Site Host and an Encrypted Search Result URL and other information such as the web page description and rating.

21. The Site Host is the host and domain portion of the Search Result URL. The Encrypted Search Result URL is a URL which when clicked by a user will take the user to the search result. The Actual Search Result URL is encrypted by Yahoo, I believe, to safeguard their index from theft and perform quality assurance. The Actual Search Result URL is not known to Snap and not derivable from the Encrypted Search Result URL. Snap is unable to modify or truncate the Encrypted Search Result URL to form a home page or root page. In search results on Classic Search and Enhanced Search, Snap displays the Site Host as plain text, and encrypts once again the Encrypted Search Result URL, for security reasons, to form a link target.

22. To illustrate, if the search result for a query "Chevy" performed in Snap Classic or Snap Enhanced was www.example.com/doc/chevy.html, then the Yahoo feed would provide www.example.com as the Site Host and an Encrypted Search Result URL such as http://rc12.overture.com/d/sr/?xargs=15KPjg1kVSt5auwuf0L%5FiXEbqUkwwBne%5FB988_dfJl4G9FY%2DQBtI%5FYuPa7By%5FVIV%2D1m5wemyPeU%2D65nOqz2n%5F%2DUFB

CMQVuXG%2DH7yt2QwN9oav7mCJM (it is actually much longer) which, when clicked, will result in a user visiting www.example.com/doc/chevy.html The Yahoo feed does not contain www.example.com/doc/chevy.html.

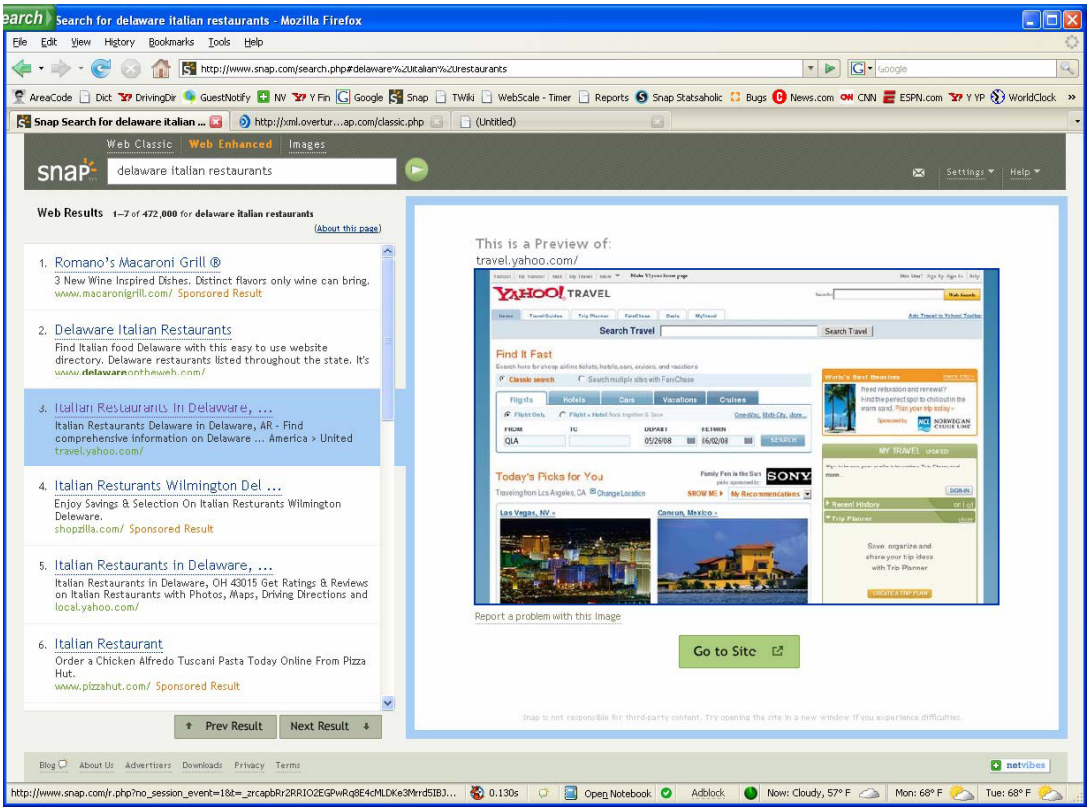
I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 15, 2008 at Pasadena, California.

Michael Agostino

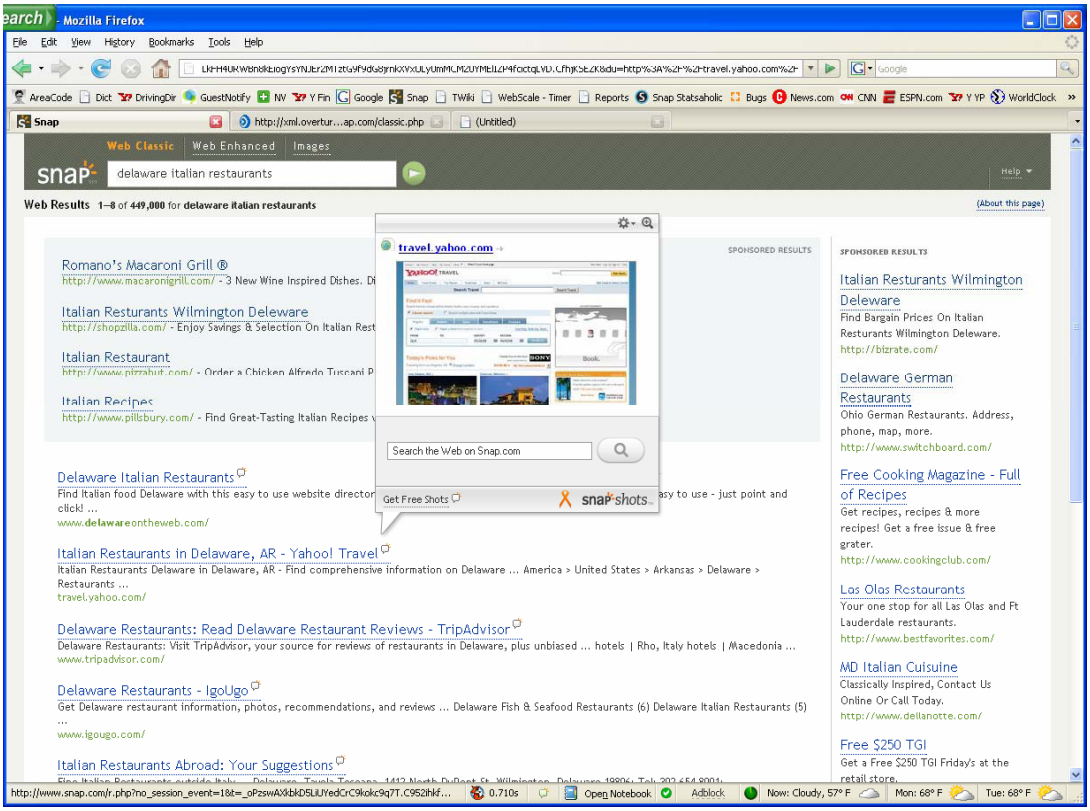
EXHIBIT A

Snap Enhanced Search



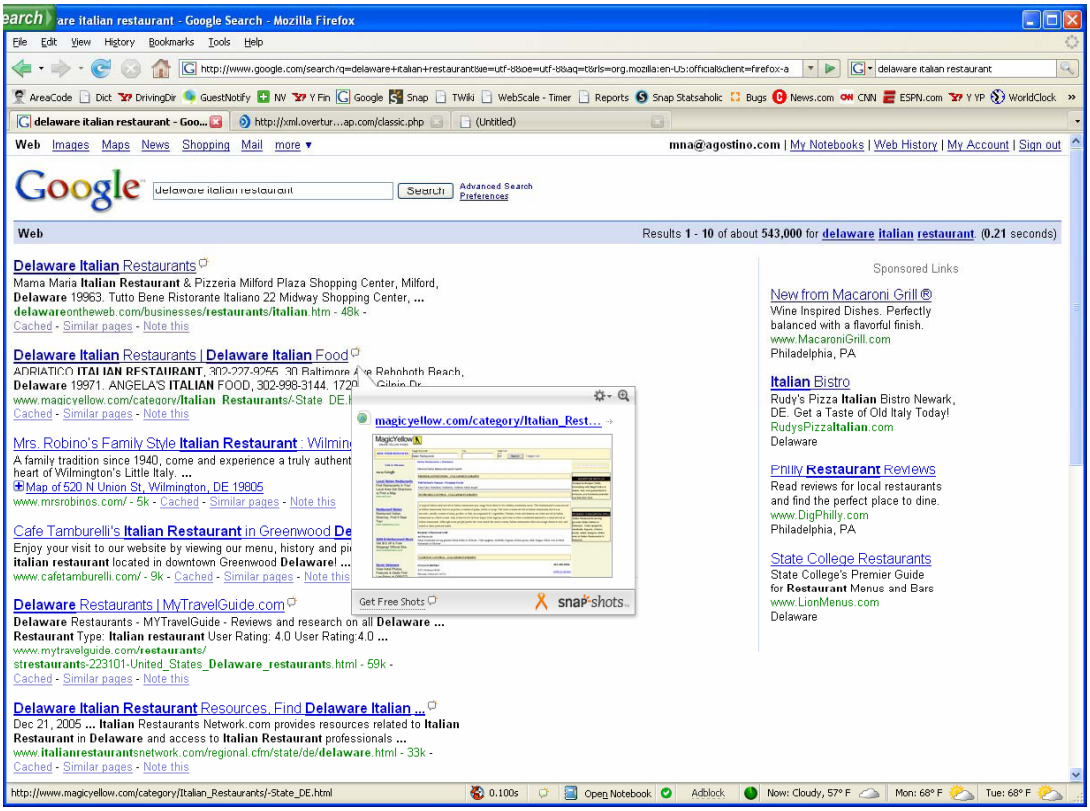
Site host – web address shown underneath search result and above preview (travel.yahoo.com)

Snap Classic Search



Site host – web address shown underneath search result and above preview (travel.yahoo.com)

Snap Shots browser plug-in



Snap Shots for Publishers / Bloggers